IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7743 OF 2006

Smt. Hajrabai d/o Haroon
Mistry and w/o
Abdulla Hasham ....Petitioner.

V/s

Smt. Sarabai w/o
Haji Ismail and d/o
Haroon Ismail Mistry ....Respondent.

Mr. A.J. Rizvi for the Petitioner.

Mr. A.S. Uraizee for Respondent No.1.

Ms. Gauri Godse for Respondent Nos. 3 to 5, 7
to 9 and 11.

Mr. V.S. Gokhale, AGP for State.

CORAM: S.J. VAZIFDAR, J.
DATE : 22nd January, 2007

P.C.:

1. Application for transposition is made in a suit which has already been dismissed. It is true that in an administration suit, all the parties are plaintiffs and defendants. However, without first having the suit restored, the application for being transposed is not maintainable. Writ Petition is, therefore, dismissed.

2. Petitioner is at liberty to adopt such proceedings as the Petitioner desires. Any application for interim relief shall be made in such proceedings.